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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

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BARRY STEVEN WINKLE,

Plaintiff,

*versus*

BLANCA VALLEJO, *ET AL.*,

Defendants.

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CIVIL ACTION H-08-0836

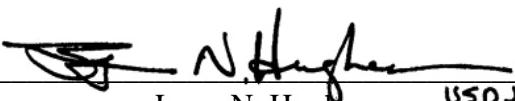
### Opinion on Dismissal

Barry Steven Winkle filed here a Notice of Appeal of a state court judgment in the 227th District Court of Williamson County, Texas, in case number 04-1104-C277. Winkle appealed the state trial court judgment to the Texas Court of Appeals and then to the Texas Supreme Court on a petition for review, which was denied. Winkle now purports to appeal in this court.

The federal courts are courts of limited jurisdiction. *Turner v. Bank of North America*, 4 U.S. 8, 4 Dall. 8 (1799). The federal district courts are trial courts and do not hear appeals from other courts, including state courts. Winkle's appeal does not lie in this court. This court has no jurisdiction to hear an appeal from Winkle's state court judgment.

Winkle fails to state a claim recognized at law. 28 U.S.C. § 1915(e)(2)(B). This case is dismissed. The Texas Department of Criminal Justice will deduct 20% of each deposit made to Winkle's inmate trust account and pay this to the court regularly, when the account exceeds \$10, until the filing fee, \$350, is paid. The clerk will send a copy to the District Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Three-Strikes List and to the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793.

Signed April 16, 2008, at Houston, Texas.

  
Lynn N. Hughes  
United States District Judge